



EXHIBIT A

ENTERPRISE APPS
by Renee Boucher Ferguson





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Oracle vs. SAP: Rimini Street Weighs In

Seth Ravin, the CEO of **Rimini Street**, wants to clarify a few points: **Oracle** is not suing **SAP** for providing third-party support for its apps.—which Rimini Street does, as does TomorrowNow, and **Oracle for Red Hat implementations**—rather Oracle is questioning business practices that occurred over the past several months.

Secondly, according to Ravin, third-party support providers are just like any other consultancy in the world: They are provided access to customer support documentation at a vendor's site through the customer, to support the customer. And the support documentation a customer legally has access to is based on their maintenance contract with a given vendor, and the end date of that contract.

So, for example, if a customer has a support contract with Oracle for PeopleSoft 8 through 2006, and in that time frame versions 8.1, 8.2 and 8.3 are released, the customer has legal rights to all of the support documentation and upgrades for 8.0—and the point releases—through the life of the contract.

"So if they're running the 8.0 product, they are still entitled to use the newer versions, along with the upgrade scripts," said Ravin. "A customer may leave Oracle and have [the support documentation] on the shelf. They can take it off the shelf and use it. It's all within their maintenance rights. They are entitled to use any point release up until they time their end-of-maintenance with Oracle."

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Usually what happens, according to Ravin, is that toward the end of their maintenance contract, a customer will evaluate options. If they decide to go with a third-party support provider like Rimini Street, they'll provide Rimini Street with log in access to all the support documentation.

"We stand in the customer's shoes as an authorized partner of the customer," said Ravin, from his Las Vegas headquarters. "We are no different than any other consultant. It is very common for [a customer] to provide a password and ID for us to get [into a vendor's customer support center] to download upgrades and support. It's standard industry practice across every consulting firm. The key is you have to be authorized. They tell us what they've been licensed for, when support ends, and prior to that end we go in and take down items they are entitled to. We build that and hand it to the customer as an archive. We are doing nothing more than a customer is entitled to themselves."

Oracle is alleging that SAP, through its subsidiary **TomorrowNow**, used customer log-ins to access support portals after a customer's support had been terminated—a definite no-no, according to Ravin. Secondly, Oracle said that when TomorrowNow did get into the system, they did an over-sweep of customer's documentation, bringing in far more documentation than was appropriate.

Oracle said in its complaint that TomorrowNow accessed thousand of documents over a short time span. Ravin said that while it provides great theater for Oracle to reference thousands of downloads, that number of document downloads is not out of bounds.

"With a lot of products you could easily have thousands of documents [a customer] is entitled to," said Ravin. "No one is saying increased download volume is anything [unusual]. There's nothing that says you can't do that. You need to be very careful about parsing documents—whether you take 20 or hundreds. Either you're authorized or you're not."

Even as a fierce competitor to TomorrowNow, Ravin said that he doesn't believe either SAP or Oracle would likely infringe on either's intellectual property. Rather, it needs to be determined if there was a break down in a process somewhere and then fix it.

"How does a customer know what appropriate is? What are the boundaries when accessing things in an online forum? Maybe Oracle will change their security schema to make things available to customers based on what they have access to," said Ravin. "So maybe it's a learning point for Oracle."

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